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it, by way of interpretation and not of explanation, to the universe at large. We can dwell on such analogies to the organic idea as we see in the structure and functions of living bodies; we can contemplate the whole of nature as shimmering in the radiance of the ethical ideal. For the primacy belongs to the will, the crisis and climax of our being is in action, and the principle of finality which we find necessary for the regulation of conduct may, therefore, be extended for the purpose of ethical evaluation to the entire scheme of things.

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THE ETHICS OF PASSIVE RESISTANCE.

We are face to face in England to-day with a curious contretemps in educational matters, which is assuming considerable proportions. We have grown accustomed to such characteristic phenomena as "conscientious objectors" in respect to vaccination, and the objectors to medical attendance on the part of the "Peculiar People," and later in the case of "Faith-healers and "Christian Scientists." These cases have been so exceptional and isolated in this country that they have attracted comparatively little attention, and possibly may be more easily justified on the ground that they are not likely to become a "universal law," according to Kant, than the present movement. The revolution of feeling in England, however, threatens to become somewhat serious; and as it seems probable that it will increase rather than decrease in the course of time, it calls for consideration and comment. Already nearly ten thousand summonses have been issued, and it is said that there are not less than sixty thousand "Passive Resisters" in England. The movement has its political and its distinctively religious aspect, whilst being an educational problem. Its moral bearings and issues are those with which we are now immediately concerned, and possibly these are the most important in the long run. These issues are rendered still more

important for the reason that although it might be shown that "Resisters" are fanatics, wrong-headed, seekers for a "cheap martyrdom," and "faddists," yet the facts that for the most part they are law-abiding citizens, who have never appeared before the magistrates as defaulters or criminals, and that they exert a wide-spread influence over the population, entitle them to respectful consideration and at least serious attention.

The actual ground of complaint or grievance need not here call for extended notice. The objection to the Education Acts of 1902 and 1903 is chiefly two-fold.¹ In the first place it is said that they do not provide adequate public control, and practically there is no direct representation on the educational authorities and boards of management. This is more entirely a question of politics, and we need not discuss it in this place. The other objection is that which is included in the Kenyon-Slaney clause, and that which immediately follows² which give the power of directing religious instruction in public elementary schools which are not provided by the educational authority to managers, who carry out the terms of the trust-deed subject to the decision of the bishop or other ecclesiastical authority as referee. Four out of six of these managers are appointed in accordance with the spirit and terms of the trust-deed. It thus eventuates that religious teaching, with the whole body of dogma and ritual that the schools in question were established to teach, is thrown upon the rates for maintenance, the buildings alone being contributed by the denomination whose doctrines are taught therein. The religious bodies of all persuasions are treated absolutely alike by this Act, and no charge of injustice can be brought against the Act, so far as its form is concerned, whatever its origin or intention. The "non-conformist conscience" is scandalized, however, at having to pay for teaching religious doctrine of any kind, or the tenets of any particular church, although there is no necessary objection to the teaching of morals, or of the Bible as literature. That the teaching of one Church should be devoted to the

¹ For the sake of brevity we omit the objection to the imposition of religious tests upon teachers.

² Education Act, 1902; Section 7, Paragraphs 6 and 7.

"unchurching" of all others, and that such teaching should be supported out of the rates, is a special form of the grievance. If it be objected that the application of public money to purposes of which a section of the taxpayers do not approve is inevitable, the reply would be that in this case it is directly and specifically stated for what purpose the money will be used, and that such is not the case with Imperial taxation.

We have thus tried to state as simply and as briefly as possible the grievance which it is proposed to remedy by the "Passive Resisters," and it is considered by them serious enough to justify their action in breaking the law at the dictates of conscience.

Let us grant that the grievance is a real and genuine one, and that there is something to be resisted, and that the motives and desires of these persons are morally justifiable, all of which would have to be considered from other points of view in order to make a complete case, are these persons morally justified under the circumstances in resisting the legalized demands for payment of rates? This is the question to which we have to address ourselves. In this endeavor we have to consider whether law-breaking is in this case a violation of any moral law.

Some have sought to vindicate the conduct of "Passive Resisters" on the ground that the law provides an optional mode of payment. This has actually been stated in the courts. There is the voluntary mode of payment, by which the money is paid over on demand; and on the other hand, there is the mode of recovery by distraint, which the law provides, which relieves the conscience of the payer, inasmuch as he can say, "I do not willingly pay, but if the law compels me, you must come and take it." In either case the law is satisfied, and such is the meaning of "*Passive Resistance*."

The objections to this attitude are many. It may well be questioned if the payment of rates or taxes is voluntary at all, since the account is presented in the form of a demand, and not a polite request. Inasmuch as payment is compulsory in any case, is not Passive Resistance merely an awkward, expensive, and an inconvenient mode of payment for all concerned?

Further, there can be no point or significance in the protest unless it is an act of law breaking. If it is nothing more than the choice of alternatives to which the law stands in an indifferent attitude, it seems to be absurd to throw needless obstacles in the way of the course of the law, since the result must be the same in either case. If "Resistance" means anything at all, it must mean resistance to an objectionable law that infringes upon the rights of conscience.

Besides these considerations, the wording of the warrant for distraint precludes any such supposition that distraint is a legalized form of payment. It is a summary measure (under the extension of the Act for Summary Jurisdiction) for the recovery of a lawful debt, payment of which has been refused.³ Expert opinion supports the view that such resistance is illegal.

We may conclude therefore that Passive Resistance being a refusal to pay a legal charge is necessarily an illegal act.

The justification offered is invariably that the law of conscience, *i.e.*, the moral law, is superior to civil law, and that "we must obey God rather than man." For further support it is also adduced that whilst all other means of "killing the Act" should be tried, this will alone provide the remedy, and that civil and religious liberty has been won for us by acts which, whilst morally justifiable, were, according to the law of the times, illegal.

It will be convenient to take these reasons in reverse order. The examples that are generally adduced of lawlessness with a view to the overthrow of a harsh or unjust law are those of the resistance of the Parliament men to the Stuart kings, the action of the Puritan clergy in opposition to the Conventicle and Five Mile Acts, the case of John Hampden, the patriot, and the persistence in preaching on the part of John Bunyan and others. In recent years the violation of the Slave laws and the refusal to pay Church Rates are often given in support of

³ The warrant for distraint contains these words: " . . . The said several sums have been duly demanded of them respectively, but they have not . . . paid the same sums . . . but they have refused and still do refuse to pay the same . . . and have not . . . shown to us sufficient cause for not paying the same."

a defiance of the recognized law, with good moral intentions and results.

In reply to these instances and the argument they are brought forward to support, it must be pointed out that if such acts were justifiable in an age when the rights and liberties of the individual subject were not respected, and when they might have done something towards securing the privileges we now enjoy, it does not by any means follow that they are justifiable at the present time. Since we are in possession of the full privileges of citizenship, the franchise, the rights of free speech, freedom of the press, the facilities for influencing public opinion, and every opportunity of bringing others by the force of persuasion to our own point of view, the justification afforded by the actions of our ancestors does not hold. In fact, it is a somewhat unfortunate ground to take, for it only serves to show that we are unworthy of the efforts made by our fathers on our behalf, inasmuch as we have employed our privileges and opportunities to so little purpose. What may have been excusable and right under a tyranny, may be entirely wrong in a country that is endowed with so large a measure of freedom and enjoys so fully the advantages of democratic institutions.

We have in our hands, as all will allow, an exceptional and unprecedented degree of political liberty, and every thoughtful person will surely agree that whatever resistance is offered to an obnoxious measure, every constitutional resource should first be exhausted. It would lead us too far into the purely political aspect of the question to inquire if every resource has been tried and failed. The writer is of opinion that the merits of any truly righteous case will not fail to appeal to the enlightened common-sense of Englishmen sooner or later, and that the justice of any cause will most certainly, in time, working through constitutional methods, move public opinion, against which nothing can continue to stand or effectually resist.

In the meantime, is it the duty of non-conformists to resist the course of the law? "Passive Resistance" is not a criminal act unless it is organized and inducements are brought to

bear upon others by those who "resist," with a view to secure their refusal to pay, in which case it amounts to conspiracy. Inasmuch as it is, however, in the eyes of the law a refusal, and therefore a violation of a legalized claim, it will be followed of necessity by some of the bad results of law-breaking. There will be a certain weakening of the authority of the law, especially as these acts are deliberate on the part of persons who are well competent to judge and calculate the results of their conduct. Whatever influence may be brought to bear prior to the passing of the measure into law, it is in the interests of good order and effective government that all citizens should maintain, uphold and respect the authority of the law. That the supremacy of the law as a whole should be honored is more important for the due development of persons as citizens and in political and social relations, than that an evil affecting a section, even an important section, should be remedied by the violation of the law.⁴ If this movement continues to grow, one serious result will follow, viz.: that our police-courts will come to be regarded as somewhat more respectable for criminals, and for those with whom the officials of the law are having continual trouble. The presence of "Resisters" in the courts to answer to the charges of non-payment, whilst it may have something of the element of martyrdom, is likely to make the disgrace of appearing before the magistrates somewhat less in the eyes of criminals. If this objection is more fanciful than real, then must we adduce another argument. If "Passive Resistance" under the circumstances is right for those who believe in it, nevertheless some bad effects must be experienced, and we can hardly calculate what the end will be, or estimate the lengths to which these results may reach. Rightly or wrongly, there are sincere persons who conscientiously object to "secular instruction" as it is called, and they object not less emphatically to moral teaching without religion, and religion without dogma. This position may be unreasonable, but it may be a truly conscientious one. In the event of the "Passive Resisters" succeeding

⁴ *Vide* "Principles of Political Obligation," by T. H. Green, Section 144.

in turning the tables on their opponents, they will have given them direct encouragement, on their part, to "resist." If then each party, as it comes to be a minority, is to "resist" the measures passed by the majority, in relation to religious questions, something approaching to political chaos is before us.

It may be argued that the right has to be done regardless of consequences, and that if we were to stop to consider the direct or indirect bad results or attendant circumstances of our actions, all moral effort, and especially, moral reform, would be paralyzed. An act is to be judged according to its own inherent rightness, and the consequences are beyond the limits of our responsibility. Nevertheless, the results of our conduct, in so far as they may be reasonably forecast, must be a determinant to us amongst others as to the rightness of that conduct. They fall within the scope of our "intentions," using the term in the legal sense. The rightness of our conduct cannot be wholly judged without regard to results. There are some acts, more particularly those of cardinal rank, which may be undertaken without pausing to consider their results, the reason being that we are already convinced that their results must ultimately influence for good the morals of the community, and not because their results are ignored. "Passive Resistance," however, involves conduct on the part of citizens that is of a public character, and cannot but have far-reaching results upon others, in consequence of which these results must be taken into account.

We can deal with the argument better as we study the reason that forms the final justification, beyond which there can be no appeal. "We must obey God rather than man." It is not, perhaps, necessary to inquire *why* we must obey God rather than man; the whole question of the categorical imperative is herein raised. The plain man who believes in the Christian religion would doubtless reply that we are commanded in the Scriptures so to do. In the abstract, or rather as a principle, the will of the Divine Being would be regarded as paramount, and as superior to any human ordinance. There is not, however, in this case a clear issue. It means the facing of two evils from the nonconformist standpoint. The non-

conformist conscience is in a dilemma. There is, at least, a certain degree of right on the side, both of Resisters and Non-resisters, to entitle each to respect from the other side.

Let us then assume that it is our duty to obey God rather than man. Why we should do so we may state to be based upon an intuition. The will of God for us, let us say, is that we should realize the best of which we are capable, the ideal contemplated in this case from the point of view of citizenship, and also as to our responsibility to the rising generation and the future of our country. If we have to "obey God," it is clearly in no private capacity in this case, nor is it in the assertion of a private right. It is the will of the Divine with respect to the handling of an objectionable law. What that will is cannot be determined by means of an intuition. The proper view of our duty has to be arrived at as the result of the balancing of considerations; and the estimation of probable consequences must enter into the calculation. The question is not to be settled in the same manner as a temptation to commit a breach of fundamental morality, with an instant and final negative, regardless of consequences. The command of God is heard in the legalized demand itself and by means of human law and institutions. Whatever the mystic may say with regard to his conscience and its demands, morality can recognize no call to a duty which disregards the obligations of the law and the claims it lays upon the individual citizen. These might be laid aside at the call of a higher duty, it is true; but in determining the higher duty in a case of this sort, legal obligations must enter in. To throw the matter into a more concrete form, it may be fairly reasoned that it is the duty of a conscientious citizen to pay an unjust charge if he has tried in vain to prevent the measure passing into law, on the ground that he is no longer responsible for the expenditure of public funds, after he has done his utmost to control that expenditure by legalized means, through legislation, and by doing his part in the appointment at the polls of candidates who may be trusted to carry out those principles which he as an elector holds.

The case assumes a somewhat different complexion when we

bear in mind in what consists the sovereign power of modern England. "Passive Resistance" sets on one side the teaching of St. Paul, that "the powers that be are ordained of God." These powers are resisted on the ground that they no longer represent the authority of God in civil affairs. Their authority is superseded by the authority of conscience. This reasoning, however, disregards the fact that the ultimate authority and the sovereign power of England at the present time, is the goodwill of the citizens as a body. Unless we can charge the main body of citizens with having no conscience in the matter, such a course of action as "Passive Resistance" is to set up the conscience of the individual against the collective conscience, or, at least, to make the conscience of the minority superior to that of the majority. If the sovereign power is that authority which the citizens, as a whole, habitually obey, and if the government of our country can only be upheld as the whole body of citizens are willing that it should continue and are agreed loyally to support the laws when once they have been duly passed, then ought the collective conscience, or the conscience of the majority, to be recognized within certain limits, as indicating the duty of citizens and the will of the Supreme Ruler, in civil affairs. We would go so far as to say that, in this respect, *vox populi* is *vox Dei*. There is, in short, no personal or individual right in a matter of political obligation, on the ground of morality, to stand against or to resist the collective will or conscience of the majority, when once the proposals have passed from the legislative to the administrative stage.

It has been asserted throughout the course of this controversy that the Education Act of 1902 does not fairly represent the will of the people, inasmuch as the electorate was never consulted on the subject, and the Government forced the Bill through the House of Commons on the strength of a majority returned to bring the war in South Africa to a termination. There having been no "mandate" from the constituencies to deal with this question, the people are, so the argument runs, released from their obligation to submit, and,

under the circumstances, "Passive Resistance" is the least objectionable form of resistance.

We can imagine the reply to be that there never is, in a General Election in England, an unequivocal and distinct pronouncement on any definite question before the country, nor is there at any time a single, clear, or unmistakable issue upon which the country gives its voice. It might also be said that, whilst there may be one outstanding question which mainly determines the majority, yet an election is never fought on that issue alone. There is always the general line of policy which belongs to each of the respective parties, and in an election regard must always be had to it. It might fairly have been conjectured beforehand that the Conservative Party would bring in, sooner or later, a bill dealing with education, in conformity with its relation to the State Church. Let us grant, however, for the sake of argument (and not that we necessarily commit ourselves to that view), that the Government of Great Britain, having been returned to power on a war vote, has presumed upon its huge majority to force a measure through the legislature in an unconstitutional manner, and has thus abused its immense strength by taking advantage of the weakness of its opponents. On that view of the matter we have an instance of the tyranny of the majority, which, of course, is quite possible in a democratic state. Two questions would then arise. Making all allowance for the subtle influence of vested interests, where they exist, for re-actions in public opinion and for accidental circumstances, is not an Opposition, to some extent, responsible in a modern community for its own weakness, especially if it is lacking in unity and enthusiasm? When an Opposition has a good cause and can present a united front, it is seldom, if ever, possible that a tyrannical government can fly in the face of strong public opinion, even though its exponents are in a minority, without the risk of swift and sure retribution.

Whether this be accepted or not, the question remains whether it is right and in the interests of law and order, and conducive to the well-being of the citizens as a whole, and good government, that tyranny should be met by lawlessness?

Would not this tend to make "confusion worse confounded," if generally adopted. This position of affairs might afford a substantial argument in favor of the "Referendum," but in the present condition of party government, it would generally be considered by the most thoughtful persons of either party preferable in the interests of the community that those that compose the minority should always bide their time until they can, by regular and constitutional methods, remove their grievances, on the peril of making the "remedy worse than the disease." This argument has thus been briefly dealt with, because it is almost always used to strengthen the position of the "Passive Resisters." It has many other implications of a political character which we have no room in this paper to discuss. Nevertheless, we are not, I think, entitled to regard this as the main argument of the Resisters, for the reason that the grievance would exist, even though there had been an appeal to the country on the issue of Education. There would still remain a case for Resistance on the ground that these persons are called upon definitely to pay for the instruction of the children in public schools in religious dogma in which a portion of the community do not believe, and they would probably "resist" all the same. This political aspect of the question is adduced as an additional argument to strengthen the attitude taken in "Resistance"; but, as the writer has indicated, he does not see that such ground of justification can be maintained, nor, as before stated, does he consider that it has any justification on moral grounds.

We may take, however, yet another view of the matter. There may be ecclesiastical or religious grounds for refusing to pay the rate, but these lie beyond the scope of this discussion. A man may be convinced in his own mind that the voice of conscience bids him to "resist," as the most effectual protest against what he regards as false doctrine or ecclesiastical aggression. He may be absolutely incapable of justifying himself on moral grounds, or he may even be prepared to admit that some bad moral results may accrue from his action, and yet feel that it is his duty to "resist." It may be impossible to convince him that he is in error, because he main-

tains it is a matter of religious conviction, and to be settled between himself and his God. We cannot, of course, make any headway against reasoning of this kind, even though we may be thoroughly convinced that, from an ethical point of view, the position is wrong.

Let it be understood, therefore, that we pass no opinion as to the religious or ecclesiastical aspect of the case. If, however, the "Resisters" have made up their minds on this point that they must "resist" in spite of argument and consequences, then a new question for ethics is raised. We have the spectacle of a number of earnest persons, women no less than men, who are prepared to suffer in their pockets and to be committed to prison for their principles, and with no material or private end to serve. Right or wrong those principles may be, yet in an age of moral indifference, and when the moral sense is seldom really stimulated or roused, these "Passive Resisters" set the example of a certain form of heroism that refuses not to suffer for conscience's sake. The same may be claimed, of course, for law-breaking Ritualists, who are at the opposite extreme in Christian doctrine. Thus "Passive Resistance" will have the further effect of keeping the whole subject, the religious and moral instruction of the young, prominently and vividly before the public, until a satisfactory solution to the problem is found. The very interest that attaches to such subjects will have a moral value of its own.

We may conclude by saying that "Passive Resistance" has no support on ethical lines alone. The writer is of opinion that it cannot be justified on ethico-political grounds. Nevertheless, on the assumption that it has any support in the religious convictions of the individual (upon which assumption no opinion is here offered), it may possess some moral value, such as will always attach to the movements that are carried out with moral seriousness and sense of moral responsibility. In any case, certain evil results are inevitable, and it is an open question whether, on the whole, more evil than good may not be the net result.

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